

REMARKS

Claims 1-4, 7-11 and 13-16 are pending in this application, with claims 8-11, 13 and 14 being withdrawn from consideration. By this Amendment, claim 1 is amended, claim 6 is canceled without prejudice to or disclaimer of the subject matter recited therein, and claims 15-16 are added. No new matter is added.

I. Formal Matters

Applicants acknowledge the withdrawal of the prior grounds of rejection based on U.S. Patent No. 5,712,009 to Moore et al. in view of U.S. Patent No. 6,244,454 to Yoshioka. However, as indicated in Applicants' prior response, Yoshioka was not officially cited on the PTO-892 attached with the Office Action. Therefore, Applicants again ask that this reference be cited on a PTO-892 in the next Patent Office communication to expressly have the Yoshioka reference of record.

II. Pending Claims 1-7 Define Patentable Subject Matter

In the Office Action, claims 1, 2 and 7 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,725,814 to Harris. This rejection is respectfully traversed.

Independent claim 1 is amended to incorporate the feature of canceled claim 6. In particular, claim 1 recites that the color layer is continuously varied in a predetermined direction (such as a direction parallel to an extruding direction as shown in the body section of Applicants' Fig. 2 or perpendicular thereto as shown in Fig. 9), the full thickness of the laminated and molded body is substantially constant along the predetermined direction, and the colored layer has a thickness varied within a range of 50% of the full thickness of the laminated and molded body. This is supported, for example, in both Applicants' Figs. 2 and 9 and paragraphs [0030] and [0011].

Harris teaches extrusion of two materials with a varied thickness of up to 100% of each of the two materials (Figs. 2-3). While Fig. 5 show that extrusion with a thickness of less

than 100% is possible, there is no teaching to control the color layer to be no more than 50% of the total thickness of the laminated and molded body as claimed.

Because Harris fails to teach each and every feature of independent claim 1, claim 1 and claims dependent therefrom are not anticipated by Harris.

Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 3, 4 and 6 are rejected under 35 U.S.C. §103(a) over Harris in view of Japanese Patent Publication No. JP5-220739 to Ono. This rejection is respectfully traversed.

Harris is discussed above. Ono fails to overcome the deficiencies of Harris with respect to independent claim 1. Ono is directed generally to a co-extruded material, but is not concerned with color layers or a gradated appearance. Thus, Ono fails to teach continuously varying a thickness in a color layer (to obtain a gradated effect) along a direction while maintaining a full thickness of the body substantially constant along the predetermined direction, or maintaining the color layer to no more than 50% of the total thickness of the laminated and molded body.

Instead, Ono teaches a sharp demarcation where the two components meet, with either component taught to provide up to 100% of the body thickness with no gradation (Figs. 2 and 8). This is because of Ono's desirability of a distinct demarcation (paragraph [0005]).

Accordingly, dependent claims 3 and 4 are allowable for their dependence on allowable base claim 1 and for the additional features recited therein. Withdrawal of the rejection is respectfully requested.

New claims 15 and 16 add additional features, including a frosting layer (claim 15) and adhesive and barrier layers (claim 16). These are supported by Figs. 3-7 and paragraphs [0027] and [0028]. Neither Harris nor Ono teach or suggest these features. Accordingly,

claims 15 and 16 are allowable for their dependence on claim 1 and for the additional features recited therein.

III. Rejoinder of Withdrawn Method Claims 8-11 and 13-14

In view of the allowability of independent claim 1 for the reasons discussed above, Applicants respectfully requested rejoinder of withdrawn method claims 8-11 and 13-14 which depend from an allowable base claim.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4, 6-7 and 15-16, as well as rejoinder and allowance of withdrawn method claims 8-11 and 13-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: November 18, 2008

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